

Senator Todd Weiler proposes the following substitute bill:

**VICTIM RIGHTS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Todd Weiler

Cosponsors: Andrew Stoddard

Lee B. Perry Mike Winder

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**LONG TITLE**

**General Description:**

This bill allows investigations to be reviewed at the request of a victim or victim's family.

**Highlighted Provisions:**

This bill:

- ▶ creates a review process for open investigations.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**11-63-101**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*



25 Section 1. Section 11-63-101 is enacted to read:

26 **11-63-101. Review of open investigation.**

27 (1) An individual who is a victim of a first degree felony, or who is a family member of  
28 a missing person or homicide victim, may request review of a criminal investigation if:

29 (a) the incident was reported for investigation to a law enforcement agency with  
30 jurisdiction to investigate the incident;

31 (b) at least one year has passed from the date the incident was first reported for  
32 investigation to a law enforcement agency with jurisdiction to investigate the incident; and

33 (c) the law enforcement agency investigating the incident has not submitted the  
34 investigation results to be screened for criminal charges by the county or district attorney in the  
35 jurisdiction in which the incident occurred.

36 (2) (a) An individual who is a victim of a first degree felony, or who is a family  
37 member of a missing person or homicide victim, may request review of the investigation by the  
38 chief executive of the law enforcement agency investigating the incident. Within 30 days after  
39 receiving a request, the chief executive of the law enforcement agency shall meet with the  
40 investigating officers to evaluate the investigation, including existing leads and obstacles and  
41 investigative resources that may be available to move the investigation to conclusion, and  
42 develop a plan to:

43 (i) close the investigation;

44 (ii) undertake further investigative steps; or

45 (iii) submit the investigation results to be screened for criminal charges by the county  
46 or district attorney in the jurisdiction in which the incident occurred.

47 (b) Within 60 days after receiving a request for review under Subsection (2)(a), the  
48 chief executive of the law enforcement agency investigating the incident shall send written  
49 notification to the individual who made the review request advising the individual whether the  
50 agency will:

51 (i) close the investigation;

52 (ii) undertake further investigative steps; or

53 (iii) submit the investigation results to be screened for criminal charges.

54 (3) (a) If the written notification under Subsection (2)(b) indicates further investigative  
55 steps will be undertaken or that the investigation results will be submitted to be screened for

56 criminal charges and no charges have been filed within 90 days following the date of the  
57 written notification under Subsection (2)(b), or the investigation will be closed, the individual  
58 who is a victim of crime, or who is a family member of a victim of crime, may submit a second  
59 request to the law enforcement agency investigating the incident that the investigation results  
60 and all evidence be transferred to the county attorney with jurisdiction over the area in which  
61 the incident occurred.

62 (b) Within 15 days after receiving a transfer request under Subsection (3)(a), the chief  
63 executive of the law enforcement agency shall forward the investigation results to the county  
64 attorney as requested by the victim or victim's family.

65 (c) Within 30 days of receiving the investigation results from the law enforcement  
66 agency investigating the incident, the county attorney shall evaluate the investigation, including  
67 existing leads and obstacles, evidence, and investigative resources that may be available to  
68 move the investigation to conclusion, and:

69 (i) develop a plan to undertake further investigative steps; or

70 (ii) decline to accept the transferred investigation.

71 (d) Within 60 days after receiving the investigation results from the law enforcement  
72 agency investigating the incident, the county attorney shall send written notification to the  
73 individual who made the transfer request advising the individual whether the county attorney  
74 will undertake further investigative steps.

75 (4) If the county attorney declines to accept the transferred investigation, it shall return  
76 all evidence and information to the law enforcement agency within 30 days.

77 (5) Nothing in this section requires a law enforcement agency or prosecuting agency to  
78 close an investigation if charges are not filed within the time frames set forth in this section.

79 (6) An individual who is a victim of a first degree felony, or who is a family member of  
80 a missing person or homicide victim, may seek review of an investigation by the attorney  
81 general, pursuant to its concurrent jurisdiction to investigate and prosecute crimes in any city or  
82 county of the state.

83 (a) Subject to Subsection (d), within 30 days of receiving a request from an individual  
84 who is a victim of a first degree felony, or who is a family member of a missing person or  
85 homicide victim, to accept a transferred investigation, the attorney general shall request from  
86 the law enforcement agency all evidence and information regarding the investigation.

87           (b) Within 60 days after receiving the investigation information from the law  
88 enforcement agency investigating the incident, the attorney general shall review all evidence  
89 and information received and make a determination regarding the investigation.

90           (c) The attorney general shall send written notification to the individual who made the  
91 transfer request within 60 days of its decision decline or continue an investigation.